

REVOKING PROTECTIVE ORDERS: PERCEPTION, ACTION, AFFECTIVE MOBILIZATION AMONG PROSECUTORS¹

Paola Luduvicé^{2 3}, Orcid: <https://orcid.org/0000-0002-2608-7453>

Silvia Renata Lordello^{4 5}, Orcid: <https://orcid.org/0000-0002-8287-7257>

Valeska Zanello^{4 6}, Orcid: <https://orcid.org/0000-0002-2531-5581>

ABSTRACT. The enactment of the Maria da Penha Law is not sufficient for the effective realization of women's rights. Addressing domestic violence against women passes through how professionals interpret the legislation and its mechanisms and understanding the peculiarities of the phenomenon of domestic violence and its impact on the legal process. In this research, we sought to investigate the perception of prosecutors regarding protective measures and understand the dilemmas and challenges they face in their work after women request the revocation of these measures. Through reflective thematic analysis, three themes were developed based on the information provided in semi-structured interviews with eight prosecutors from the Public Prosecutor's Office of the Federal District. The first theme maps prosecutors' perception of the protective measures regarding their legal nature and specifically analyzes the gap in applying provisional protective measures related to alimony. The second theme reflects on the ambiguities faced by these actors when dealing with women's requests for revoking those measures and the obstacles to holding the perpetrator accountable based on such requests. The third theme presents the emotional mobilization triggered by personal identification with structural violence and the helplessness resulting from limitations in professional practice. The results aim to promote professional training, foster humanized dialogue between state representatives and women and provoke reflections on professional practices to enhance strategies for protecting women based on an understanding of the dynamics of domestic violence.

Keywords: Violence against women; justice system; protective measures.

REVOGAÇÃO DE MEDIDAS PROTETIVAS: PERCEPÇÃO, ATUAÇÃO, MOBILIZAÇÃO AFETIVA ENTRE PROMOTORES DE JUSTIÇA

RESUMO. A promulgação da Lei Maria da Penha não é suficiente para a efetivação de direitos das mulheres. O enfrentamento da violência doméstica contra as mulheres perpassa a forma como os profissionais interpretam a legislação e seus mecanismos e a compreensão das peculiaridades do fenômeno da violência doméstica e seu impacto no fluxo processual. Nessa pesquisa, buscou-se investigar a percepção de promotoras/es de justiça das medidas protetivas de urgência (MPUs) e compreender os dilemas e desafios enfrentados em sua atuação, após a solicitação de revogação dessas medidas pelas mulheres. Mediante a utilização de análise temática reflexiva, elaboraram-se três temáticas com base nas informações prestadas nas entrevistas semiestruturadas de oito promotores de justiça do Ministério Público do Distrito Federal. O primeiro tema mapeia a percepção das MPUs pelos promotores a respeito de sua natureza jurídica e analisa, especialmente, a lacuna de sua aplicação da medida protetiva de alimentos provisórios. O segundo reflete sobre as

¹ Editor de seção: Saulo Luders Fernandes

² Ministério Público do Distrito Federal e dos Territórios - MPDFT, Brasília-DF, Brazil.

³ E-mail: paola.luduvicé@gmail.com

⁴ Universidade de Brasília, Brasília-DF, Brazil.

⁵ E-mail: srmlordello@gmail.com

⁶ E-mail: valeskazanello@uol.com.br



ambiguidades enfrentadas por esses atores ao se depararem com o pedido de revogação das MPUs pela mulher e os óbices à responsabilização do autor a partir dessa solicitação. O terceiro apresenta a mobilização emocional desencadeada pela identificação pessoal com a violência estrutural e a impotência acarretada pela limitação do exercício laboral. Os resultados visam fomentar ações de capacitação profissional, promover o diálogo humanizado entre representantes do Estado e as mulheres e provocar reflexões sobre o fazer profissional, a fim de promover estratégias de proteção à mulher a partir da compreensão da dinâmica da violência doméstica.

Palavras-chave: Violência contra mulher; sistema de justiça; medidas protetivas de urgência.

REVOCACIÓN DE MEDIDAS DE PROTECCIÓN: PERCEPCIÓN, ACCIÓN, MOVILIZACIÓN AFECTIVA ENTRE PROMOTORES DE JUSTICIA

RESUMEN. La promulgación de la Ley Maria da Penha no es suficiente para la efectiva realización de los derechos de las mujeres. El abordaje de la violencia doméstica contra las mujeres pasa por cómo los profesionales interpretan la legislación y sus mecanismos, y por la comprensión de las peculiaridades del fenómeno de la violencia doméstica y su impacto en el proceso legal. En esta investigación, buscamos indagar sobre la percepción de los fiscales con respecto a las medidas protectoras de urgencia (MPUs) y comprender los dilemas y desafíos que enfrentan en su trabajo después de que las mujeres solicitan la revocación de estas medidas. A través de un análisis temático reflexivo, se desarrollaron tres temas basados en la información proporcionada en entrevistas semiestructuradas con ocho fiscales de la Fiscalía del Distrito Federal. El primer tema mapea la percepción de los fiscales sobre las MPUs en relación con su naturaleza legal y analiza específicamente la brecha en la aplicación de medidas protectoras provisionales relacionadas con la alimentación. El segundo tema reflexiona sobre las ambigüedades a las que se enfrentan estos actores al lidiar con las solicitudes de revocación de las MPUs por parte de las mujeres y los obstáculos para responsabilizar al agresor en función de dichas solicitudes. El tercer tema presenta la movilización emocional desencadenada por la identificación personal con la violencia estructural y la impotencia resultante de las limitaciones en la práctica profesional. Los resultados buscan promover la capacitación profesional, fomentar el diálogo humanizado entre los representantes estatales y las mujeres y provocar reflexiones sobre las prácticas profesionales para mejorar las estrategias de protección a las mujeres basadas en la comprensión de la dinámica de la violencia doméstica.

Palabras clave: Violencia contra la mujer; sistema de justicia; medidas protectoras.

Introduction

Confronting the normalization of gender-based violence in Brazilian society required, and continues to require, a combination of forces ranging from political activism to theoretical production, leading to legislative formalization through the Maria da Penha Law (MPL) and its subsequent revisions. The MPL was created in the wake of this national movement and Brazilian legal activism on the international stage. The Inter-American Commission on Human Rights' determination that the Brazilian state was lenient toward violence against women and gender discrimination within the Brazilian justice system in the Maria da Penha case was paradigmatic.

Since the enactment of the MPL in 2006, there has been a growing need for dialogue with institutions within the security and justice systems to bridge the gap between formal law and the de facto rights enjoyed by women, which leads to high levels of impunity and revictimization (Sciammarella & Fragale Filho, 2015). Research analyzing the interaction between women and the security and justice systems reveals obstacles such as inadequate monitoring of protective measures, flawed administrative procedures, a persisting familist logic, discriminatory legal interpretations, a lack of professional

qualifications, and a lack of coordination within the protection network (Ávila, 2019; Bernardes & Albuquerque, 2016; Pasinato, 2015).

One obstacle to women's access to their rights is social gender myths that delegitimize their domestic violence reports. There is a discriminatory view that some women contribute to and benefit from violence. Examples include the belief that women lie or use the justice system to get revenge, provoke, or harm their partners; abuse urgent protective orders; and use the law to expedite divorce (Magalhães, 2015; Pasinato, 2015). Women are blamed for police investigations not being completed because they disappear, hide the aggressors, and generally do not cooperate by not presenting witnesses, carrying out reports, or responding to summonses (Magalhães, 2015; Pasinato, 2015; Souza, 2015).

The protection of women is hampered both by a lack of adequate training to understand the dynamics of domestic violence and by the lack of an institutional policy to combat violence, relegating protection to the sensitivity level of the professional in charge of the case (Bragagnolo et al., 2015; Oliveira et al., 2020; Pasinato, 2015; Petrilli & Iwamoto, 2019; Porto & Costa, 2010). This situation generates insecurity in the provision of justice and fosters institutional violence. Professionals' actions are permeated by their personal experiences and the sociohistorical constructions regarding conjugality, family, gender, and race of those involved. According to Machado and Guaranha (2020), legal interpretations should be questioned due to their concrete and unequal effects on women's lives, especially on Black and impoverished women.

One of the innovations of the MPL is its provision for urgent protection orders (UPOs), which alter the procedural logic by prioritizing the immediate protection of female complainants (Pasinato et al., 2016). The research by Diniz and Gumieri (2016) analyzes the implementation of UPOs between 2006 and 2012: the majority of decisions to deny protective orders either lacked a specific justification for non-granting them or indicated a lack of information to analyze the request or proof of risk to the female victim. These occurrences were evaluated as dilatory in nature, preventing a decision in favor of protecting the woman, or as a preponderance of the suspicion logic regarding the woman's word.

In the months following the reporting of an incident, it is common for women, for various reasons, to request the withdrawal/revocation of the UPOs from the justice system (Luduvica et al., 2023). This request challenges and distresses professionals who work with women in situations of domestic violence. Thus, feelings of frustration are common among these professionals (Magalhães, 2015; Penso et al., 2010), as is the moral judgment of these women for changes in their will (Machado, 2016), or even questioning of their true intentions in reporting their partner (Almeida, 2020).

Despite the prohibition by the MPL against women withdrawing their complaints at the police station, this behavior is repeated in the form of requests to revoke UPOs. Exploring the effects of this movement on professionals' work is necessary to gain a deeper understanding of the obstacles to applying the law and to enable the creation of protection strategies. Therefore, this study investigated public prosecutors' perceptions of UPOs and the dilemmas and challenges they face when acting in cases of domestic violence when women request to revoke these legal instruments of protection.

Method

Participants

Participants were randomly selected and matched by gender from among public prosecutors in the Federal District. The inclusion criterion was that they worked in women's defense prosecutor's offices in the Federal District or were heads of these prosecutor's offices. Eight people were interviewed: four men and four women. The number of professionals interviewed was based on theoretical saturation. The age range was 36–44 years, and 87.5% identified as white and 12.5% as brown. The length of time in office ranged from 3 to 20 years, with the period of work in violence against women varying between 2 and 6 years.

To guarantee anonymity, we used grouped sociodemographic data in this section and fictitious names in the results. The research was approved by the Ethics Committee, and all the participants signed the Informed Consent Form.

Instruments

A semi-structured interview guide was used to address the UPOs and their dilemmas, the revocation request process, women's motivations for revocation, and the impact on procedural performance. Considering the COVID-19 pandemic, the interviews were conducted via video conference and lasted an average of 44 minutes.

Procedures and Data Analysis

This was a mixed quantitative-qualitative exploratory study. To control participant selection and data processing, predominantly post-positivist methods were used through paired random sampling of participants by sex and operationalization of theoretical saturation, as per Guest et al. (2020). The reflective thematic analysis of Braun and Clarke (2012, 2019) was performed following the proposed steps. The coding process was carried out using the Atlas.ti qualitative data analysis software.

Results and discussion

The results were presented in 3 themes: (1) Perception and application of protective orders; (2) Withdrawals are a *combo*: revocation of protective orders and lack of interest in the criminal process; and (3) Emotional mobilization: between identification and helplessness.

(1) Perception and application of protective orders

This topic revealed an understanding of the role of UPOs in prosecutors' work on cases of violence against women and the legal interpretation of this instrument. This interpretation can impact the level of protection women receive. Participants demonstrated a shift away from a repressive criminal perspective and toward the protective nature of the MPL through the use of UPOs. The protective perspective predominated in the participants' statements, stemming from their recognition of the centrality of these measures as a swift, supportive State response to women and their interpretation of the legal nature of UPOs.

Although the dogmatic debate about the legal nature of UPMs may seem specific to legal knowledge, it has direct repercussions on the level of protection experienced by Brazilian women. The interpretive dispute seeks to determine whether UPMs are autonomous/satisfactory or accessory (Ávila, 2019; Machado & Guaranha, 2020). In the former, the purpose is to protect women victims of violence independently of the initiation of a criminal process. In the latter, the purpose is to guarantee the viability of the criminal process as a provisional measure, and the validity of the protective order depends on the main action. Its effects cease with the end of the police investigation or criminal action (Ávila, 2019). In the latter case, persistence of the risk situation to the victim is not verified since the measure aims to regard the criminal process.

Among the participants in this study, legal professionals emphasized the effectiveness of the protective order: "It is independent, detached [from the criminal process], and an end in itself: to protect" (Alana). The impact of this legal interpretation is evident in the participants' assessment of establishing a timeframe for UPOs. "[...] Not only is there no legal provision, [...] it is impossible to predict the duration of a risk" (Eduardo). Thus, since UPOs are an end in themselves, their validity is independent of whether a criminal complaint has been filed and/or the criminal case has been dismissed.

The amendment to the MPL in 2023 (Law No. 14,550/2023) resolved the dispute regarding the legal nature and duration of UPOs by including paragraphs 5 and 6 in Article 19. These paragraphs state that UPOs are independent of criminal proceedings and will remain in effect as long as there is a risk to the victim's or their dependents' physical, psychological, sexual, patrimonial, or moral integrity.

Participants generally feel that UPOs are widely accepted in their respective jurisdictions. However, the interviews revealed specific legal strategies used to address the judge's denial of protective orders and the abusive use of this resource by women to expedite divorce proceedings.

When analyzing the use of UPOs to promote divorce, one must consider what forms of violence might be silenced or overlooked so that a woman believes using this tool is necessary to have her desire for separation respected. The inability to describe the violence experienced in a way that legal professionals

can understand is a common reality in a society that trivializes and normalizes domestic violence against women. Active listening is necessary to discern the subtleties of the constant denials of women's right to exist.

The interviewees' perception of the widespread issuance of protective orders in the Federal District is limited to imperative protection orders, such as prohibitions on approaching or contacting the victim and removal from the home. According to the interviewees, civil orders (e.g., provisional alimony and separation of the couple) are not usually applied and are considered exceptional in most courts due to the high volume of cases and the focus on preventing femicide. Participants justified the courts' stance on denying provisional alimony as "[...] simply a lack of habit" (Alana) and an active stance against granting, "[...] the judges have focused on delimiting this, 'crime is crime, and alimony is alimony.' They even sometimes recommend in the decision, 'If it's alimony, seek legal aid,'" said Gilberto (emphasis added).

Resistance to granting civil orders has been a persistent problem over the years (Pasinato et al., 2016). Participants provided legal explanations for provisional alimony measures, including the lack of evidence in police reports proving the need for this measure, as well as the difficulty in determining and enforcing the amount, since most partners are self-employed. Additionally, one participant interpreted that, as a protective order linked to the MPL, the intended recipient would be the woman, not the children. This differentiates it from alimony and requires proof of profound economic dependence on her part.

Some prosecutors questioned the previous limitations, arguing that provisional alimony is an emergency and temporary measure that does not preclude subsequent action by the Family Court. They also argued that its necessity is presumed when the parties involved have children, and the father leaves the home. Furthermore, they drew a parallel with a child support lawsuit, in which the judge also lacks sufficient information to decide on alimony in advance, a decision that is revisited and readjusted later.

Legal interpretations of how the MPL functions have concrete implications for women. In other words, these interpretations are *embodied in reality* and can make certain realities visible or invisible (Machado & Guaranha, 2020). The denial of provisional alimony disproportionately affects a specific group of women: Black, impoverished women. This is because it disregards the fact that a large percentage of Black individuals in Brazil are in the informal labor market, which makes them more vulnerable (Almeida & Pereira, 2012; Machado & Guaranha, 2020). According to the 2010 Demographic Census data from IBGE, 42.6% of families in the Federal District have a Black woman as the main head of the household. Recognizing the impact of widespread denial of provisional alimony and understanding it as part of a public protection policy helps us understand its influence on whether women remain in abusive relationships (Bernardes & Albuquerque, 2016).

(2) Withdrawals are a combo: revocation of protection orders and lack of interest in the criminal process

This topic consists of two subtopics. The first subtopic describes how public prosecutors decide whether to grant women's requests to revoke protection orders. The second subtopic presents the obstacles to holding male perpetrators of violence criminally accountable after such a request.

2.1 Decision-making on the request to revoke UPOs

Prosecutors' decision-making process regarding requests to revoke UPOs involves assessing the risk experienced by the woman who reported that judicial protection is no longer necessary. The high demand for services at specialized prosecutor's offices requires the development of strategies to analyze these requests. These strategies include evaluating the event that triggered the complaint, the history of violence, the risk questionnaire, how close in time the event is to the revocation request, and the woman's motivation for revoking the protection orders.

Depending on the risk analysis performed by the public prosecutor, the request to revoke the UPMs is either ratified or not. Prosecutors' active behaviors in delaying a decision on these requests in order to extend the protection for the woman and ascertain whether the request is free from coercion are termed precautionary actions in the decision-making process. Participants mentioned the following precautionary actions: confirming the spontaneity of the woman's decision, sending the case for psychosocial analysis, and requesting a justification hearing for the court.

Among those interviewed, the prospect of voicing opposition to the request to revoke the UPOs was permeated by ambivalent feelings. This ambivalence was largely eliminated in cases of high severity and when dependents had clearly suffered harm from exposure to a violent environment. In these cases, the duty to protect the most vulnerable members of the family unit (children and adolescents) outweighed the dilemma of taking a position contrary to the woman's wishes.

The interviewees expressed the practical difficulty of not revoking the protection orders, which lies in the effectiveness of this decision since regulating another subject's behavior has limits, even by state order: "[...] she will contact him even if I maintain the protection order, so it is legally useless" (Bruno). Furthermore, noncompliance with UPOs has serious legal consequences, including possible preventive detention. Thus, legal professionals must analyze the risk when there is contact between the parties while UPOs are in effect: "[...] formally, he committed a crime because he disobeyed [the protection order]. But so, what? Are we going to prosecute? Are we not going to prosecute?" (Gilberto).

Legal professionals balance state protection, as they are responsible for the safety of these women as representatives of the state, and respect for women's autonomy and self-determination within certain limits, so as not to perpetuate institutional silence regarding women's vulnerable situation. "[...] We regulate the situation a little now, even if we intervene in the private sphere, aiming to avoid greater damage, which ultimately leads to femicide" (Gilberto). Despite the practical and legal difficulties of protesting the request for revocation, this internal negotiation between state protection and respect for women's autonomy was quite present in the participants' discourse.

The debate surrounding the exercise of autonomy and self-determination constantly touches upon violence against women, especially when analyzing the procedural rites and peculiarities of the parties' movements in this process, from filing a police report to the conclusion of the justice system's actions. The socio-historical concept of women's incapacity by legal norms gives rise to discriminatory practices (Smart, 2020). The unequal gender treatment in legal science still leaves this group vulnerable in various types of criminal investigations in which women are victims of violence.

The spectrum between state guardianship and the primacy of a woman's will to revoke UPOs can be based on justifications that either indicate a paradigmatic shift in perspective on women or perpetuate inequalities. State guardianship can occur in two ways: it can be based on an understanding of the need for active state intervention to guarantee women's safety, considering historical gender violence in society. Alternatively, it can be based on a notion that naturalizes and essentializes gender performances, in which women are seen as fragile and/or passive. This view portrays women as incapable of making their own decisions (Bragagnolo et al., 2015), requiring the figure of a *pater* to protect them.

An argument in favor of revoking UPOs based on respect for women's autonomy—that is, recognizing their capacity to make decisions independently—may be justified by different views of the phenomenon. In the first view, women are seen as "[...] active subjects who interact and organize their actions in the world" (Bragagnolo et al., 2015, p. 607). However, their autonomy is linked to access to information and rights (Pasinato, 2015). This interpretation considers socialization processes to directly impact the constitution of a subject.

The second perspective in favor of repeal might be based on an individualistic view of violent episodes and the idea of fully exercising freedom without considering issues of gender, race, class, and sexuality. Given the high rate of domestic violence against women, the state representative may be negligent if they ignore the seriousness of risk factors for femicide based on the discourse of women's autonomy.

2.2 Obstacles to accountability

This subtopic addresses the common consequences that follow when women request to revoke UPOs. According to the interviewees, after submitting this request, women generally lose interest in continuing the criminal process, which triggers active behaviors that hinder criminal accountability, such as withdrawing information given at the police report or assuming responsibility and/or self-incrimination. Examples mentioned in the interviews include the woman indicating that she lied when reporting or blaming the police officer for erroneously recording the facts.

The legal consequences of not cooperating with the criminal process, especially when one is the main holder of key information in the case, can go beyond the case being dismissed due to a lack of evidence. Altering the initial account of events due to a lack of legal guidance can lead to self-incrimination for crimes such as false accusation and defamation by falsely imputing crimes to third parties. According to the Institute of Applied Economic Research (IPEA) report (2011, p. 4), "[...] in most cases, the Public Defender's Office only represents the aggressors, leaving the victims of violence without assistance, including during their testimony in hearings".

There is a paradoxical role for the Public Prosecutor's Office in cases of domestic violence, since the professional responsible for defending women is also the one who refers cases to the criminal prosecutor's office for investigating possible false accusations if they determine that any of the aforementioned crimes occurred. Depending on the professional's perceptions of women, this behavior may be more frequent, as the dynamics of retraction and self-incrimination can reinforce the widespread belief that women lie. In other words, the possible investigation of this crime can punish the woman in a violent situation if the professional lacks knowledge of the phenomenon of domestic violence and gender socialization processes in society. The treatment given to this woman by state representatives can impact her perception of the security and justice systems, distancing her from them and making it difficult for her to access her rights.

To exemplify this movement of obstruction to accountability, Sara states:

[...] sometimes [...], you can clearly see it. She remembers; it happened; the report is there. Sometimes, the witness is there, and she says it didn't [happen]. But at the same time, I'm sometimes surprised when the woman arrives with him, they're in a relationship, and she tells me everything. I'm amazed because imagine what that's like for their relationship."

The last excerpt demonstrates that, despite a desire for the woman to continue with the criminal process, a feeling of strangeness is common when this occurs at the same time as the couple's reconciliation. After an episode of violence, there is a belief that it would be more coherent to break off the relationship (Morato et al., 2009).

In our society, love is presented to women as self-sacrifice and abandonment for the well-being of others, which is why their process of subjectivation is marked by heterocentrism (Zanella, 2018). Zanella (2018) proposes the love dispositif as a privileged path of female subjectivation. This dispositif presupposes responsibility for the well-being of romantic relationships as an identity attribute of womanhood, with silence being a survival strategy. The silence broken by a woman filing a police report is reestablished during the legal process in an attempt to return to the situation prior to the complaint and restore the relationship's *harmony*, even if it means returning to violent situations or becoming the defendant to compensate the once accused man.

(3) Emotional mobilization: between identification and helplessness

This theme reveals the emotional mobilization of the participants, brought about by working with violence against women. It encompasses everything from recognizing how gender violence permeates their personal lives to acknowledging its limitations in addressing a complex, structural social issue.

When working with people victimized by structural violence, professionals frequently identify with the female victims' experiences of violence because they share similar socialization processes (Penso et al., 2010). Gender literacy and daily contact with the identification and description of aggressive behaviors, in general, leads to a movement of awareness that allows professionals to recognize violence in their own daily relationships. This process occurs both through personal experience as a victim of violence, either directly or indirectly, through testimony: "[...] maybe if I [...] hadn't been working with domestic violence, I wouldn't identify so much with what I've already experienced with my parents" (Felipe).

Among male professionals, identification can also occur with the male perpetrator of violence:

[...] a very specific profile of the perpetrator of domestic violence, he is a criminal, because domestic violence is a crime, but he is a criminal with a different profile, [...] all of us men, I mean, are raised in a predominantly patriarchal culture, so it is difficult for us not to put ourselves in the offender's shoes (Eduardo).

Qualifying the male perpetrator of violence as having a *different profile* in order to differentiate him from a *criminal* who affects society as a whole is common among legal professionals (Machado & Agnello, 2017) and borders on trivializing violence against women. The identification of a specific profile can seem like defining a set of fixed characteristics; however, the context and opportunity give dynamic character to the manifestation of specific traits.

Nevertheless, rethinking one's own behavior brings the interviewee closer to the issues raised by gender studies, since it does not distance itself from the problem as if it were another (Segato, 2012), disengaging itself from responsibility in the reproduction of violence, but engaging in the deconstruction of this structure.

In the process of female subjectivation, the manifestation of aggression through the externalization of anger is constantly rejected, as exemplified by Isadora's statement: "[...] my husband even says, 'wow, you're being very militant'" (emphasis added). Retaining anger leads to the silencing of women, limiting the possibility of expression to self-aggression and crying (Zanello, 2018). Frequently, women who openly speak out against the violence they experience are questioned about their performance of womanhood. Awareness of oppression is usually accompanied by anger and possibly *militancy* when one engages in a process of "[...] transforming silence into language and action" (Lorde, 2019, p. 42).

Some participants demonstrated greater acceptance of back-and-forth movements in both the affective relationship and the search for and abandonment of intervention by a third party, in this case, the justice system: "[...] and there are good things she is considering so they won't separate" (Alana).

This awareness is accompanied by a feeling of powerlessness: "[...] now I'm not going to tell you that this doesn't generate frustration, of course it does, of course there are moments when you get irritated, because there's a whole justice system that's set in motion to get there" (Sara). The frustration of professionals in situations involving the revocation of UPOs and retraction also stems from the limitations of the justice system's actions, from both a macro-social perspective, which is linked to structural social problems, and a micro perspective. From the latter perspective, professionals face the anguish and concern of each case when confronted with the dynamics of domestic violence.

Although most participants perceive the progressive process of becoming aware of gender-based violence, fostered over years of working on the topic, discomfort regarding the possible situation of alienation emerges when faced with women as part of the process: "[...] they didn't even understand that they were victims of violence because they minimized it so much" (Marina). Suffering violent acts and perceiving oneself as a victim of domestic violence are not competing experiences. According to Ribeiro (2020), women perceive violence differently when the concept of what constitutes violence is open. In this case, the prevalence of women who have been victimized by violence is much higher when the research attempts to identify specific behaviors in their daily lives. This mismatch between the experience of violence and its perception may stem from the type, frequency, and/or intensity of the aggressive behavior experienced, previous experiences in abusive relationships, and/or vicarious learning (Ribeiro, 2020). It may also stem from socialization that links love to violence.

The anguish is heightened by the feeling of professional responsibility and the high rate of femicides in Brazilian society: "[...] my greatest fear is that one of the women in the criminal process I've worked will become a victim of femicide" (Isadora). Analogously to the logic of the health field, the justice system addresses the manifest symptom resulting from social ills by penalizing behaviors that are constantly reinforced in various social institutions. To cope with the suffering arising from the *inefficiency* of their professional efforts and the limitations of legal action, the interviewees frequently mention the need to make referrals for women in situations of violence.

This referral may result from the shared responsibility of dealing with complex problems through networked action between different services to combat violence. However, referrals are also used to express the anguish caused by the feeling of powerlessness and to prescribe treatment for the social symptoms that manifest in women who access the justice system: "[...] this issue of us not being able to [...] mobilize women to at least seek psychological support [...], 'Hey, talk to the psychologist. If after that, it's still your wish, we'll request the revocation, without any problem'" (Felipe).

The benefits of psychosocial support that promote the decolonization of emotions in order to build new forms of intimate and interpersonal relationships are clear. However, for years, mental health professionals have treated people considered deviant by society. Psychology has inherited a practice that

aims to adjust individuals to the social order in a way that is disconnected from reality (Costa & Lordello, 2019). This enables the medicalization of social problems. There is an expectation that these professionals can modify these people's behaviors and the situation of violence through psychological intervention (Magalhães, 2015).

Therefore, it is necessary to pay attention to the coloniality of knowledge expressed by legal or health professionals when they prescribe what is beneficial to others. This coloniality manifests as an obligation to meet personal expectations. A position of authority or expertise can result in the perception of dispossession of knowledge from civil society (Morato et al., 2009). This prescription is immersed in empathic anguish due to identification with the suffering of others and structural violence, as well as limitations on professional activity and feelings of powerlessness.

Despite the frustration and disinterest that professionals experience in the criminal process due to alarming femicide rates, every interaction a woman has with the justice system and its representatives changes her and her relationships. She is embedded in a field of relationships with her environment constituted by the interdependence of subjects in this social totality (Castro, 2020). Thus, a continuous process of transmutation occurs in the social interactions established through this woman's contact with different systems of social, affective, and formal support.

Final considerations

The study revealed areas of intersection between legal professionals and women, which are mediated by the application of legal norms and procedural rites. The interpretation and application of the law encounter factual reality, necessitating an embrace of the ambiguities and challenges of this encounter.

Throughout the research, the current perception of public prosecutors could be analyzed, and challenges in their work and the paradoxical feelings generated in professionals working with victims of violence could be identified.

The results of this research may suggest spaces for change, resistance, and reflection amidst widespread institutional gender violence in Brazilian society. However, the results are also limited by the lack of diverse participants in the sample, as professionals more engaged in the topic may have been more likely to participate in the research. Another limitation of the study is the lack of questions about working with specific groups that are typically discriminated against in cases of domestic violence against women, resulting in discourses limited to violence against cisgender women in heterosexual romantic relationships.

The social relevance of the research lies in its potential to contribute to training programs and the process of humanizing interpersonal relationships, both between services and within institutions.

When approaching women in situations of violence, it is important to consider what influences the use and effectiveness of UPOs according to women's unique experiences with race, class, gender, and sexuality. Action must align with women's needs, allow their protagonism, and recognize historical gender violence in society and state institutions to open space for structural transformation movements.

Future research should focus on women's expectations when accessing the justice system, as well as the transformations and impacts on their personal lives after reporting crimes and deciding to waive UPOs. This approach can increase understanding of this dynamic by giving voice to women's internal contradictions and concessions.

Actors in the justice system and women may have different objectives when reporting episodes of violence. Recognizing these different expectations can foster a less colonized dialogue that is more connected to the complexity of domestic violence against women. In this way, it is important to be aware of the overflow of personal anguish into hyperactivity at work and/or in determining how one should act.

References

- Almeida, T. M. C. (2020). A importância da perspectiva de gênero e o enfrentamento à violência contra as mulheres. In L. Ferreira (Org.), *Gênero em perspectiva* (pp. 41-56). CRV.
- Almeida, T. M. C., & Pereira, B. C. J. (2012). Violência doméstica e familiar contra mulheres pretas e pardas no Brasil: reflexões pela ótica dos estudos feministas Latino-Americanos. *Crítica e Sociedade: Revista de Cultura Política*, 2(2), 42-63.
- Ávila, T. P. (2019). Medidas protetivas da Lei Maria da Penha: natureza jurídica e parâmetros decisórios. *Revista Brasileira de Ciências Criminais*, 157(1), 41-69.
- Bernardes, M. N., & Albuquerque, M. I. B. (2016). Violências interseccionais silenciadas em medidas protetivas de urgência. *Revista Direito e Praxis*, 07(15), 715-740. <https://doi.org/10.12957/dep.2016.25167>
- Bragagnolo, R. I., Lago, M. C. de S., & Rifiotis, T. (2015). Estudo dos modos de produção de justiça da Lei Maria da Penha em Santa Catarina. *Estudos Feministas*, 23(2), 601-617.
- Braun, V., & Clarke, V. (2012). Thematic analysis. In H. Cooper (Ed.), *APA handbook of research methods in psychology* (Vol. 2). American Psychological Association. <https://doi.org/10.1037/13620-004>
- Braun, V., & Clarke, V. (2019). Reflecting on reflexive thematic analysis. *Qualitative Research in Sport, Exercise and Health*, 11(4), 589-597. <https://doi.org/10.1080/2159676X.2019.1628806>
- Castro, S. (2020). Condescendência: estratégia pater-colonial de poder. In H. B. Hollanda (Org.), *Pensamento feminista hoje: perspectivas decoloniais* (pp. 140-153). Bazar do tempo.
- Costa, P. H. A., & Lordello, S. R. (2019). Psicologia e realidade brasileira: notas preliminares para uma práxis psicossocial. In C. Antloga, K. T. Brasil, S. R. Lordello, M. Neubern & E. Queiroz (Eds.), *Psicologia clínica e cultura contemporânea 4* (pp. 37-52).
- Diniz, D., & Gumieri, S. (2016). Implementação de medidas protetivas da Lei Maria da Penha no Distrito Federal entre 2006 e 2012. In A. C. C. Parechi, C. L. Engel & G. C. Baptista (Orgs.), *Direitos humanos, grupos vulneráveis e segurança pública* (Vol. 6, pp 205-231). Ministério da Justiça e Cidadania. Secretaria Nacional de Segurança Pública.
- Guest, G., Namey, E., & Chen, M. (2020). A simple method to assess and report thematic saturation in qualitative research. *PLoS ONE*, 15(5), 1-17. <https://doi.org/10.1371/journal.pone.0232076>
- Instituto de Pesquisa Econômica e Aplicada [IPEA]. (2021). O judiciário no enfrentamento à violência contra as mulheres. *Em questão: Evidências Para Políticas Públicas*, 1.
- Lorde, A. (2019). *Irmã outsider* (S. Borges, trad.). Autêntica.
- Luduvise, P., Lordello, S. R., & Zanello, V. (2023). Revogação das medidas protetivas: análise dos fatores e motivações presentes na solicitação da mulher. *Direito e Praxis*, 15(02), 1-26. <https://doi.org/10.1590/2179-8966/2022/67306>
- Machado, B. A., & Agnello, P. R. M. R. (2017). Racionalidade penal e semânticas criminológicas na Lei Maria da Penha: o caso do sursis processual. *Revista Direito e Praxis*, 08(3), 1788-1832. <https://doi.org/10.1590/2179-8966/2017/21375>
- Machado, L. Z. (2016). Violência baseada no gênero e a Lei Maria da Penha. In T. K. de Figueiredo & G. Barbosa (Ed.), *A mulher e a justiça: a violência doméstica sob a ótica dos direitos humanos*.

AMAGIS-DF. <https://www.yumpu.com/pt/document/read/58149985/livro-amagis-a-mulher-e-a-justica-06-04-2016>

- Machado, M. R. A., & Guaranha, O. L. (2020). Dogmática jurídica encarnada: a disputa interpretativa em torno das medidas protetivas de urgência e suas consequências para a vida das mulheres. *Revista Direito GV*, 16(3). <http://dx.doi.org/10.1590/2317-6172201972>
- Magalhães, N. (2015). Gênero e violência conjugal: olhares de um sistema de justiça especializado. *Revista Estudos Empíricos em Direito*, 2(2), 128-155.
- Morato, A. C., Santos, C., Ramos, M. E. C., & Lima, S. C. C. (2009). *Análise da relação sistema de justiça criminal e violência doméstica contra a mulher: a perspectiva de mulheres em situação de violência e dos profissionais responsáveis por seu acompanhamento* (Vol. 148). ESMPU.
- Oliveira, H. J. S., Zamboni, M., Nascimento, E. T., & Leite, D. B. C. (2020). A (re)produção de uma sentença: narrativas uníssonas sobre feminicídio em tribunais do júri. *Revista Crítica de Ciências Sociais*, 122, 31-52. <https://doi.org/10.4000/rccs.10593>
- Pasinato, W. (2015). Acesso à justiça e violência doméstica e familiar contra as mulheres: as percepções dos operadores jurídicos e os limites para a aplicação da Lei Maria da Penha. *Revista Direito GV*, 11(2), 407-428. <https://doi.org/10.1590/1808-2432201518>
- Pasinato, W., Garcia, I. de J., Vinuto, J., & Soares, J. E. (2016). Medidas protetivas para as mulheres em situação de violência. In A. C. C. Parechi, C. L. Engel & G. C. Baptista (Eds.), *Direitos humanos, grupos vulneráveis e segurança pública* (Vol. 6, pp 233-265). Ministério da Justiça e Cidadania. Secretaria Nacional de Segurança Pública.
- Penso, M. A., Almeida, T. M. C., Brasil, K. C. T., Barros, C. A., & Brandão, P. L. (2010). O atendimento a vítimas de violência e seus impactos na vida de profissionais da saúde. *Temas Em Psicologia*, 18(1), 137-152.
- Petrilli, L. A., & Iwamoto, H. M. (2019). Dificuldades no atendimento acerca da violência doméstica contra a mulher, em Gurupi-TO. *Barbaroi*, 54(1), 171-194. <https://doi.org/10.17058/barbaroi.v0i0.12938>
- Porto, M., & Costa, F. P. (2010). Lei Maria da Penha: as representações do judiciário sobre a violência contra as mulheres. *Estudos de Psicologia*, 27(4), 479-489. <https://doi.org/10.1590/s0103-166x2010000400006>
- Ribeiro, H. M. (2020). Desafios ao enfrentamento da violência doméstica: será que estamos falando a mesma língua das mulheres que a vivenciam? In V. Durand & H. M. Ribeiro (Eds.), *Histórias de amor tóxico: a violência contra as mulheres* (pp. 186-210). Senado Federal.
- Sciammarella, A. P. O., & Fragale Filho, R. (2015). (Des)Constituindo gênero no poder judiciário. *Ex Aequo*, 31, 45-60. http://www.scielo.mec.pt/scielo.php?script=sci_arttext&pid=S0874-55602015000100005&lng=pt&tlng=pt.
- Segato, R. L. (2012). Gênero e colonialidade: Em busca de chaves de leitura e de um vocabulário estratégico descolonial (R. Barboza, trad.). *E-Cadernos Ces*, 18, 106-131. <https://doi.org/10.4000/eces.1533>
- Souza, S. A. de. (2015). “Vagaba Penha”: Representações sociais e práticas de administração de conflitos de gênero nas delegacias de polícia de Campos dos Goytacazes. *Revista Ágora*, 22, 186-198.
- Smart, C. (2020). A mulher do discurso jurídico (A. R. de O. Harden, trad.). *Revista Direito e Praxis*, 11(2), 1418-1439. <https://doi.org/10.1590/2179-8966/2020/50335>

Zanello, V. (2018). *Saúde mental, gênero e dispositivos: cultura e processos de subjetivação*. Appris.

Data availability: The data underlying the research text are contained within the manuscript.

Received: Jul. 24, 2022

Approved: Aug. 01, 2024